

May 20, 2004

Ronald Freeland
Vice-President
Parsons Transportation Group
7600 Corporate Center Drive
Suite 500
Miami, Fl 33126

RE: REQUEST FOR ADVISORY OPINION 04-72

Dear Mr. Freedland:

The Ethics Commission reviewed your request for an advisory opinion at its meeting on May 17, 2004. The following opinion supersedes the staff opinion issued on April 12, 2004.

You requested an opinion regarding any potential conflicts of interest related to your firm or the other team members serving as Program Management Consultant for the People's Transportation Plan. The other team members are URS Corporation, Earth Tech, H.J. Ross and Associates, PACO Group and LKG-CMC.

Miami-Dade County recently issued a Notice to Professional Consultants for a Program Management Consultant for the People's Transportation Plan. The Program Management Consultant (PMC) will hold a non-exclusive seven-year contract with Miami-Dade County to manage, with the support and supervision of Transit and Public Works staff, the various phases of implementing the People's Transportation Plan. Specifically, the scope of services requires the PMC to be

responsible for short and long-range transit planning, facilities planning, feasibility studies, oversight of construction, engineering and inspection consultants and design criteria and standards. Transit will hire additional firms to do the actual design and construction inspection work but they will work under the direction of the Program Management Consultant team. As noted in the NTPC and our review of this matter, it is the intention of the County that the Program Management Consultant act as county staff in the areas for which the Consultant will provide staff and technical assistance. The contract should be awarded in the summer of 2004.

The People's Transportation Plan consists of several projects including highway and road improvements, bus service improvements and neighborhood improvements. The heart of the project is several rapid transit improvements including:

- Ø The North Corridor- The North Corridor will run from the Dr. Martin Luther King Jr. Metrorail Station (N.W. 27th Avenue and 62nd Street) along N.W. 27th Avenue to 215th Street.
- Ø The East West-Corridor- The East-West Corridor consists of two segments from the Florida Turnpike east to the Palmetto Expressway and from the Palmetto through Miami International Airport and Downtown Miami and to the Port of Miami-Dade
- Ø Baylink- A corridor between downtown Miami and Miami Beach
- Ø Kendall Corridor- A corridor with east-west and north-south elements

Preliminary studies and design work has already been conducted on these corridors. As noted in more detail below, Parsons Transportation or one of the other team members has taken part in these studies or work on behalf of one or more of the funding agencies including the Metropolitan Planning

Organization, the Florida Department of Transportation and the Miami-Dade Expressway Authority.

Pursuant to Section 2-11.1(w), the Ethics Commission has jurisdiction over contractors and vendors. Section 2-11.1(j) restricts persons covered by the Conflict of Interest and Code of Ethics ordinance from doing work that conflicts with their independence of judgment in performing their County responsibilities. Pursuant to that section of the Conflict of Interest and Code of Ethics ordinance, the Ethics Commission has delineated certain areas including overlapping responsibilities that would impair a contractor's independent judgment in the performance of its duties for the County. The analysis of potential conflicts, in this case, is generally limited to the requestor's contracts with Miami-Dade Transit and does not analyze potential conflicts with contracts with other agencies.

Parsons Transportation Group is currently serving as a Prime Consultant to South Florida Regional Transportation Authority (Tri-Rail). In that capacity, Parsons has performed various services for Tri-Rail including the development of construction packages for roadside signs for Tri-Rail stations; project management for a double-track system and project management for procurement of a magnetic and smart-card fare collection system. The contract is due to expire in December 2004.

Parsons is also providing architectural and engineering services for the relocation of the Miami International Airport Tri-Rail Station. The station will be part of the Miami Intermodal Center. The design work is expected to be completed in the summer of 2004. Finally, Parsons is providing design services for Sun Pass lanes (along the Homestead Extension) for the Florida Department of Transportation.

Parsons Transportation may serve as Program Management Consultant for the People's Transportation Plan. If the firm is selected as Program Management Consultant for the People's Transportation Plan, the firm may not provide management oversight on joint projects where the firm is providing management oversight for another agency. Transit or another team member must assume management responsibilities on those projects.

Therefore, Parsons Transportation may serve as Program Management Consultant for the People's Transportation Plan subject to the limitations contained herein.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director

cc: Pam Paulk, CICC
Christopher Mazzella, Inspector General